

5399. Adulteration and misbranding of vinegar. U. S. * * * v. 100 Barrels * * * of Cider Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7930. I. S. No. 10630-m. S. No. C-610.)

On December 20, 1916, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 barrels of vinegar, consigned on October 29, 1916, remaining unsold in the original unbroken packages at Peoria, Ill., alleging that the article had been shipped by the Benton Fruit Products Co., Benton Harbor, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "Pocahontas Brand Cider Vinegar reduced to four percent acetic strength."

Adulteration of the article was alleged in substance in the libel for the reason that distilled vinegar, boiled cider, and added ash material had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for said article.

Misbranding was alleged in substance for the reason that the statements appearing on the label were false and misleading and deceived and misled the purchaser of said article. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, cider vinegar.

On January 22, 1916, C. B. Gehlert, doing business as the Benton Fruit Products Co., Benton Harbor, Mich., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product should be labeled imitation cider vinegar.

CARL VROOMAN, *Acting Secretary of Agriculture.*